



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/566,543

01/31/2006

Richard Alasri

36936

5862

23589 7590 02/25/2008

HOVEY WILLIAMS LLP
10801 Mastin Blvd., Suite 1000
Overland Park, KS 66210

EXAMINER

ASDJODI, MOHAMMAD REZA

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

02/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,543	Applicant(s) ALASRI, RICHARD	
	Examiner Asdjodi M. Reza	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/20/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 13 and 15 objected to because of the following informalities: There are typographic errors in line 3 and line 2 of claims 13 and 15 correspondingly. C2-C10 and C1-CS are construed as C2-C10 and C1-C8. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richter et al. (US 5,234,719) in view of Beerse et al. (US 6,217,887 B1).

Regarding claims 1-5, and 7-8, Richter et al. teach a food sanitizing composition comprising: C₁- C₈ monocarboxylic acids such as octanoic acid by the amount of 0.1-35%; [C.6, L.10-15], alkyl alcohols such as ethanol, propanol by the amount of 0.04-40%; [C.6, L.60-67 & C.8, L.45-51].

Art Unit: 1796

Richter et al. do not teach sulfur containing salt in their composition. However Beerse et al. teach an anti microbial and sanitizing composition comprising sulfur salt by the amount of 0.001- 5%; [42-47 & C4. L.60-61]. Beerse et al. and Richter et al. are analogous (or combinable) art because they are from the same field of endeavour, that of sanitizing and anti-microbial compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to add the sanitizing ingredient of Beerse et al. to Richter et al.'s composition, with the motivation of fortifying antibacterial properties of Richter et al.'s compound. Sulfur containing compounds are known for their sanitizing characteristics.

Claims 6, 9-12, and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richter et al. (US 5,234,719).

Regarding claims 6, and 9-12, Richter et al. teach a food sanitizing composition comprising lactic acid; [C.8, L.55], emollients such as alkylene glycol, sorbitol, or propylene glycol; [C.9, L.66, C.7, L.4-8 & C.8, L.42], and anionic and non-ionic surfactants; [C.7, L.1-35].

Regarding claims 25-33, Richter et al. teach a sanitizing method ([C.20, L.56-67]) and a food sanitizing composition which is placed (or loaded) in a wipe with natural (cellulose is most common natural fiber) or synthetic fibers that is a multipurpose sanitizer which also sanitizes different types of surfaces such as households and human skin by contacting; [C.14, L.39-51 & C.5, L.5-10], [C.20, L.56-67 & C.1, L.10-20]. Regarding animal skin and bovine teat Official notice

Art Unit: 1796

is taken, that such a composition would be quite useful and effective on animal skin as well. At the time of invention, it would have been obvious to a person of ordinary skill in the art to be motivated to use this compound on bovine teat.

Claims 13-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richter et al. (US 5,234,719) in view of Beerse et al. (US 6,217,887 B1).

Regarding claims 13-17, and 19-20, Richter et al. teach a food sanitizing composition comprising: C₂- C₁₀ monocarboxylic acids, such as octanoic acid by the amount of 0.1-35%; [C.6, L.10-15], alkyl alcohols such as ethanol, propanol by the amount of 0.04-40%; [C.6, L.60-67 & C.8, L.45-51].

Richter et al. do not teach sulfur containing salt in their composition. However Beerse et al. teach an anti microbial and sanitizing composition comprising antimicrobial sulfur salt by the amount of 0.001- 5%; [42-47 & C4. L.60-61]. Beerse et al. and Richter et al. are analogous (or combinable) art because they are from the same field of endeavour, that of sanitizing and anti-microbial compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to add the sanitizing ingredient of Beerse et al. to Richter et al.'s composition, with the motivation of fortifying antibacterial properties of Richter et al.'s compound. Sulfur containing compounds are known for their sanitizing characteristics.

Art Unit: 1796

Claims 18, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richter et al. (US 5,234,719).

Regarding claims 18, and 21-24, Richter et al. teach a food sanitizing composition comprising lactic acid; [C.8, L.55], emollients such as alkylene glycol, sorbitol, or propylene glycol; [C.9, L.66, C.7, L.4-8 & C.8, L.42], and anionic and non-ionic surfactants; [C.7, L.1-35].

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Reza Asdjodi whose telephone number is 571-270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

Art Unit: 1796

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Reza Asdjodi
02/14/2008

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796
17 February 2008